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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/985,867
Filing Date: November 06, 2001
Appellant(s): Grason et al.

Jeramie J. Keys
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 16, 2007 appealing from the Office action mailed December 05, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of invention contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal:

- Parks, (6,596,031) issued on July 22, 2003.
- Winer Dave, (ScriptingNews 2.0b1) issued on June 15, 1999.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1-2, 5-11, 15-18, 22-31, 34-37, 40-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parks, U.S. Patent No. 6,596,031 (hereinafter Parks), in view of Dave Winer, "ScriptingNews 2.0b1," [http://my.userland.com/stories/storyReader\\$11](http://my.userland.com/stories/storyReader$11) (hereinafter Dave).

2. With respect to claims 1, 8, 15, 22, 29, 35, and 42, Parks teaches a system for distributing one or more news stories to a reader [see abstract and figs.2A-D], comprising:

- a computer accessible to the reader, the computer having a display device viewable by the reader [212];
- a web browser executing on the computer, the web browser having a graphical user interface [240];
- a list of titles corresponding to the one or more news stories, the list appearing as a portion of a web page in the graphical user interface [col.8, ln.30 - col.9, ln.3];
- a selection device used by the reader to select to select one of the news stories to view [fig.2A and col.6, ln.64 - col.7, ln.59];
- a news story rendering application [224 and col. 19, lns.4-5] executing on the computer that uses a file associated with the title of the news story selected by the reader to access a news story rendering file that instructs the web browser how to display data in the graphical user interface, and to access a news story data file that contains the data associated with the news story, wherein the news story data file is rendered so that it is viewable in the graphical user interface in accordance with the instructions in the news story rendering file and the data in the news story data file [figs.2A-D; col.6, ln.57 - col.8, ln.65; and col.19, lns.4-5].

However, Parks does not explicitly show a news story rendering application executing on the computer that uses an RSS files associated with the title of the news story.

In a system for distributing one or more news stories to a reader, Dave suggests or discloses a news story rendering application executing on the computer that uses an RSS files associated with the title of the news story [i.e. scripting news channel that's produced from the RSS-format file, pages 1-2].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Parks in view of Dave by using the RSS files associated with the title of the news story because this feature refers to how easy it is for publishers to make their content available to readers. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Parks in view of Dave in order to change to reflect the content in the channel [Dave, page 2].

3. With respect to claims 2, 10, 16, 36, and 43, Parks further teaches an authoring tool [201 and 203 i.e. NSML editor and text editor] for generating the news story [fig.2A].

4. With respect to claim 5, Parks is silent on the RSS file comprises a plurality of links to a plurality of news story rendering files, each news story

rendering file associated with a news story data file that can be obtained from information about the news story rendering file.

In a system for distributing one or more news stories to a reader, Dave discloses the RSS file comprises a plurality of links to a plurality of news story rendering files, each news story rendering file associated with a news story data file that can be obtained from information about the news story rendering file [pgs. 1-6].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Parks in view of Dave by adding an XMLfile because this feature refers to how easy it is for publishers to make their content available to readers. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Parks in view of Dave in order to simply scan headlines or brief article summaries and click to read the full text instead of visiting multiple web sites to see what's new.

5. With respect to claim 6, Parks further teaches a web-based authoring tool for allowing a contributor to generate a news story [figs.2A-D].

6. With respect to claim 7, Parks further teaches the authoring tool comprises one or more formatting buttons [figs.2C-D].

7. With respect to claim 27, Parks is silent on an XML file comprising a link to the news story rendering file.

In a system for distributing one or more news stories to a reader, Dave discloses an XML file [pgs.5-6].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Parks in view of Dave by adding an XMLfile because XML-based standard for describing web content other than HTML which is understood by any browser. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Parks in view of Dave in order to let web sites exchange content summaries and e-commerce data.

8. With respect to claim 9, Parks further teaches determining the location of the data file comprises the step of determining the location of the data file using a file name of the rendering file [col.6, ln.57 - col.8, ln.65 and col.19, lns.4-5].

9. With respect to claims 11, 17, 24, 31, 37, and 44, Parks further teaches the step of formatting text of the created news story [col.7, ln.13 - col.8, ln.29].

10. With respect to claims 18 and 25, Parks further teaches the authoring tool comprises means to create a link from entered text [fig.2C and col.8, lns.30-56].

11. With respect to claim 28, Parks is silent on the XML file is an RSS file.

In a system for distributing one or more news stories to a reader, Dave discloses the XML file is an RSS file [pgs.1-2].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Parks in view of Dave by adding an XMLfile because this feature refers to how easy it is for publishers to make their content available to readers. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Parks in view of Dave in order to simply scan headlines or brief article summaries and click to read the full text instead of visiting multiple web sites to see what's new.

12. With respect to claims 23 and 30, Parks further teaches editing the information data file prior to approval [col.7, ln.60 - col.8, ln.56].

13. With respect to claim 26, Parks further teaches rolling the information data file out over a computer network [col.7, ln.39 - col.8, ln.66].

14. With respect to claims 34 and 40, Parks further teaches the application extracts and renders a predetermined number of sentences of the news story data file [col.19, lns.4-5 and figs.2A-D].

15. With respect to claims 41 and 46, Parks further teaches means for determining a location of the information data file from information contained in the link data file [figs.2C-D and col.8, ln.30 - col.9, ln.25]; and mean for rendering the information data file on a computer display in accordance with the rendering instructions [col.6, ln.57 - col.8, ln.65 and col.19, lns.4-5].

16. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parks in view of Dave as applied to claim 8 above, and further in view of Anuff et al., U.S. Patent No. 6,327,628 (hereinafter Anuff).

17. With respect to claim 12, Parks is silent on generating a rendering file in conformance with JSP.

In a system for distributing one or more news stories to a reader, Anuff discloses generating a rendering file in conformance with JSP [col.4, ln.36].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Park in view of Anuff by generating a rendering file in conformance with JSP because JSP is slightly more advanced environment in performance, session management, error handling, portablility, etc. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Parks in view of Anuff in order to save such costly operations as opening database connections need to be done

only once for many HTTP requests. On the other hand, CGI will startup and initialize the entire state of the CGI program.

(10) Response to Argument

In the remarks, applicant argued in substance that

- I. A prima facie case for obviousness has not been established under 35 U.S.C. 103(a) over U.S. Patent No. 6,596,931 ("Park") in view of Dave Winder, "Scripting News 2.0b1" ("Dave").

In response to Appellant's argument that a prima facie case for obviousness has not been established under 35 U.S.C. 103(a) over Park in view of Dave, the examiner respectfully disagree. The examiner recognizes that obviousness can only be established by combining or modifying the teaching of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Park in view of Dave by using the RSS file associated with the title of the news story because this feature refers to how easy it is for publishers to make their content available to readers. It is for this reason

that one of ordinary skill in the art at the time of the invention would have been motivated in order to change to reflect the content in the channel [Dave, page 2].

II. Parks in view of Dave fails to disclose the three different files of claims and the associated actions.

In response to Appellant's argument that Park in view of Dave fails to disclose an RSS file (or RSS link data file), the examiner respectfully disagree. The examiner admits that Parks does not explicitly show an RSS file. In a system for distributing one or more news stories to a reader, Dave discloses an RSS file [= scripting news channel that's produced from the RSS-format file, see Dave, page 1].

In response to Appellant's argument that Parks in view of Dave fails to disclose a news story data file, the examiner respectfully disagree. Parks discloses a news story data file [col.6, ll.66-67 and col.4, ll.23-32]. Parks discloses a news story markup language document from a storage location [col.4, ll.23-32]. Further, Parks discloses a news story document is generally a file with a particular document format [col.6, ll.66-67].

In response to Appellant's argument that Parks in view of Dave fails to disclose a view file (or rendering file), the examiner respectfully

disagree. Parks discloses rendering file [= rendering the news story document format by parser 224, col.8, ll.3-29].

III. Park in view of Dave fails to disclose rendering from a subscriber website without being transferred to a news vendor web site.

In response to Appellant's argument that Park in view of Dave fails to disclose rendering from a subscriber website without being transferred to a news vendor web site, the examiner respectfully disagree. Dave discloses rendering a separate new story data file [= channel syndication] from a subscriber website [= registration] without being transferred to a news vendor web site [= Scripting News channel as My.User.Land.Com server] [= automating channel syndication with scripts, see Dave's reference]. For example, Dave discloses automating channel syndication [= joining together of a number of separate channel] with scripts that can automate production of <scripting news> format channels [pages 3-4]. According to the dictionary, syndicate is a company consisting of a number of separate newspapers and/or a newspaper chain. Dave also discloses channel link format can link inherently includes the feature without being transferred to a news vendor website because in this format channel link can link to more than one other page from a bit of text [page 3].

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(11) Evidence Appendix


None

(12) Related Proceedings Appendix

None

For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,



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January 03, 2008

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